

**ASSEMBLY BILL**

**No. 247**

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**Introduced by Assembly Member Cox**

**(Coauthors: Assembly Members Benoit, Bogh, Cogdill, Dutton,  
Haynes, Houston, La Suer, Leslie, Maze, Plescia, Runner,  
Samuelian, Strickland, and Wyland)**

**(Coauthors: Senators Ackerman, Johnson, and Knight)**

February 3, 2003

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An act to add Section 14218.3 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 247, as introduced, Cox. Elections: voting identification.

Existing law requires a person desiring to vote to announce his or her name and address to a precinct board member and to write them on the roster of voters.

This bill would require a voter, in addition, to present proof of his or her identity and residency to a member of the precinct board before receiving a ballot. It would specify the documents that may be used for this purpose and would authorize any other form of identification that the Secretary of State determines to be appropriate. It would permit a voter who is unable to present proof of identity or residency to cast a provisional ballot.

This bill, by requiring the county elections official to develop procedures to implement this bill in a manner that imposes the least burdensome requirements upon voters, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 14218.3 is added to the Elections Code,  
2 to read:

3 14218.3. (a) A voter shall present proof of his or her identity  
4 and residency to a member of the precinct board before receiving  
5 a ballot.

6 (1) Proof of identity may be established by presenting any of  
7 the following documents:

8 (A) A California driver's license.

9 (B) A California identification card.

10 (C) A valid voter registration card.

11 (D) A sample ballot pamphlet for the election with the voter's  
12 name and address printed thereon by the county elections official.

13 (E) A military identification card.

14 (F) A Certification of Citizenship issued by the Immigration  
15 and Naturalization Service.

16 (G) A copy of a birth certificate.

17 (H) Any other form of identification that the Secretary of State  
18 determines to be appropriate.

19 (2) Proof of residency may be established by presenting any of  
20 the following documents:

21 (A) A California driver's license.

22 (B) A California identification card.

23 (C) A valid voter registration card.

24 (D) A sample ballot pamphlet for the election with the voter's  
25 name and address printed thereon by the county elections official.



1 (E) A current utility or telephone bill or stub showing the  
2 correct name and address.

3 (F) Any other form of identification that the Secretary of State  
4 determines to be appropriate.

5 (b) The county elections official shall develop procedures to  
6 implement this section in a manner that imposes the least  
7 burdensome requirements upon voters.

8 (c) A voter who is unable to present proof of his or her identity  
9 or residency as required by this section shall be entitled to vote a  
10 provisional ballot, as provided in Section 14310.

11 SEC. 2. (a) The Legislature finds that the procedure under  
12 current law requiring a voter to announce his or her name to a  
13 precinct board member before receiving a ballot and allowing a  
14 precinct board member to challenge a potential voter on specified  
15 grounds is insufficient to ensure against voting fraud because the  
16 potential for, and consequences of, abuse are too great.

17 (b) The Legislature has investigated many other methods to  
18 eliminate voting fraud, and finds that each of the other methods is  
19 more drastic than the method proposed by this act. Because the  
20 current law is ineffective to ensure against voting fraud, the  
21 Legislature finds that the method proposed by this act is the least  
22 drastic means available.

23 (c) The Legislature finds that Section 1 of this act is necessary  
24 to protect the integrity of the voting process, and by establishing  
25 additional procedures to reduce voting fraud, this act serves a  
26 compelling state interest and its provisions are narrowly tailored  
27 to achieving these objectives.

28 SEC. 3. Notwithstanding Section 17610 of the Government  
29 Code, if the Commission on State Mandates determines that this  
30 act contains costs mandated by the state, reimbursement to local  
31 agencies and school districts for those costs shall be made pursuant  
32 to Part 7 (commencing with Section 17500) of Division 4 of Title  
33 2 of the Government Code. If the statewide cost of the claim for  
34 reimbursement does not exceed one million dollars (\$1,000,000),  
35 reimbursement shall be made from the State Mandates Claims  
36 Fund.

